

**To:** Erin Foresman/R9/USEPA/US@EPA[]  
**From:** "Nepstad, Michael G SPK"  
**Sent:** Wed 6/20/2012 3:21:06 PM  
**Subject:** FW: Delta Updates (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

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-----Original Message-----

From: Nepstad, Michael G SPK  
Sent: Wednesday, June 20, 2012 8:21 AM  
To: Dadey, Kathleen A SPK; Jewell, Michael S SPK  
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According to Paul Robershotte

Delta Plan is going to become a part of the Coastal Zone Management Act jurisdiction, which would mean in the future we'd need a consistency determination under CZMA from some state agency before issuing permits in the Delta. It's unsure if that would be administered by the Delta Stewardship Commission, or if it would be one of the existing CZMA agencies: California Coastal commission and Bay Conservation and Development Commission, or even a new agency.

The current version of the BDCP was found likely to not work (i.e. extirpate) green sturgeon, winter run salmon, and (Sacramento River) spring run salmon, and unlikely to contribute to recovery of delta smelt. BDCP is being expanded to better account for upstream activities, including the storage projects of sites reservoir and Shasta reservoir. It's not clear as to how these activities would be linked. All assurances the water users wanted in the HCP are being lost, the conveyance is being downsized to 3 intakes (9,000 cfs)

and project operations would be driven by a "Decision tree" as yet unwritten. Governor is still planning to make a big public statement of support in July around the 4th. I haven't heard if the Federal Agencies are going to issue a statement of continued support like we all did two years ago.

Separately DWR has told me the EIS/EIR schedule has slipped to a public Draft release in December 2012.

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